

SENATE BILL 370
CONSTITUTIONAL AMENDMENT

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SB 245/01 - B&T

2004 Regular Session
4r0697
CF 4r1624

By: **Senators Hogan, Astle, Brinkley, Britt, Brochin, Colburn, Conway, Currie, DeGrange, Dyson, Forehand, Frosh, Garagiola, Gladden, Green, Grosfeld, Hafer, Hollinger, Hughes, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lawlah, McFadden, Middleton, Miller, and Munson**

Introduced and read first time: February 4, 2004
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget - Budget Process**

3 FOR the purpose of authorizing the General Assembly to increase or add Executive
4 Department items in the budget bill, subject to a certain limitation; providing
5 for the veto of certain budget bill items; providing for the reversion to original
6 appropriations of certain vetoed items in the budget bill; providing that certain
7 vetoed items in the budget bill shall be void; authorizing an extraordinary
8 session of the General Assembly if the Governor vetoes any budget bill item;
9 providing a mechanism by which the President of the Senate and the Speaker of
10 the House of Delegates may convene a certain extraordinary session;
11 authorizing the General Assembly to override budget bill item vetoes;
12 establishing the manner in which and the time at which budget bill items
13 become law; clarifying certain language; and submitting this amendment to the
14 qualified voters of the State of Maryland for their adoption or rejection.

15 BY proposing an amendment to the Maryland Constitution
16 Article II - Executive Department
17 Section 17

18 BY proposing an amendment to the Maryland Constitution
19 Article III - Legislative Department
20 Section 14 and 52(6)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
23 concurring), That it be proposed that the Maryland Constitution read as follows:

1

Article II - Executive Department

2 17.

3 (a) To guard against hasty or partial legislation and encroachment of the
4 Legislative Department upon the co-ordinate Executive and Judicial Departments,
5 every Bill passed by the House of Delegates and the Senate, before it becomes a law,
6 shall be presented to the Governor of the State. If the Governor approves [he] THE
7 BILL, THE GOVERNOR shall sign it[, but if not he]. EXCEPT FOR THE BUDGET BILL, IF
8 THE GOVERNOR DISAPPROVES THE BILL, THE GOVERNOR shall return it with [his]
9 objections to the House in which it originated, which House shall enter the objections
10 at large on its Journal and proceed to reconsider the Bill. Each House may adopt by
11 rule a veto calendar procedure that permits Bills that are to be reconsidered to be
12 read and voted upon as a single group. The members of each House shall be afforded
13 reasonable notice of the Bills to be placed on each veto calendar. Upon the objection of
14 a member, any Bill shall be removed from the veto calendar. If, after such
15 reconsideration, three-fifths of the members elected to that House pass the Bill, it
16 shall be sent with the objections to the other House, by which it shall likewise be
17 reconsidered, and if it passes by three-fifths of the members elected to that House it
18 shall become a law. The votes of both Houses shall be determined by yeas and nays,
19 and the names of the persons voting for and against the Bill shall be entered on the
20 Journal of each House respectively.

21 (b) If any Bill presented to the Governor while the General Assembly is in
22 session is not returned by [him] THE GOVERNOR with [his] objections within six
23 days (Sundays excepted), the Bill shall be a law in like manner as if [he] THE
24 GOVERNOR signed it, unless the General Assembly, by adjournment, prevents its
25 return, in which case it shall not be a law.

26 (c) Any Bill presented to the Governor within six days (Sundays excepted),
27 prior to adjournment of any session of the General Assembly, or after such
28 adjournment, shall become law without the Governor's signature unless it is vetoed
29 by the Governor within 30 days after its presentment.

30 (d) Any Bill, EXCEPT THE BUDGET BILL, vetoed by the Governor shall be
31 returned to the House in which it originated immediately after the House has
32 organized at the next regular or special session of the General Assembly, OTHER
33 THAN AN EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G) OF THIS
34 SECTION. The Bill may then be reconsidered according to the procedure specified in
35 this section. Any Bill enacted over the veto of the Governor, or any Bill which shall
36 become law as the result of the failure of the Governor to act within the time
37 specified, shall take effect 30 days after the Governor's veto is over-ridden, or on the
38 date specified in the Bill, whichever is later. If the Bill is an emergency measure, it
39 shall take effect when enacted. No such vetoed Bill shall be returned to the
40 Legislature when a new General Assembly of Maryland has been elected and sworn
41 since the passage of the vetoed Bill.

42 (e) [The] EXCEPT FOR THE BUDGET BILL, THE Governor shall have power to
43 disapprove of any item or items of any Bills making appropriations of money

1 embracing distinct items, and the part or parts of the Bill approved shall be the law,
2 and the item or items of appropriations disapproved shall be void unless repassed
3 according to the rules or limitations prescribed for the passage of other Bills over the
4 Executive veto.

5 (F) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE BUDGET
6 BILL AS FOLLOWS:

7 (1) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE
8 EXECUTIVE DEPARTMENT THAT HAVE BEEN INCREASED OR ADDED BY THE
9 GENERAL ASSEMBLY. THE GOVERNOR MAY NOT VETO ANY OTHER ITEMS IN THE
10 BILL.

11 (2) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED BY
12 THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE
13 VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL REVERT TO THE
14 APPROPRIATION ORIGINALLY SUBMITTED BY THE GOVERNOR. THE ORIGINAL
15 APPROPRIATION SHALL THEN BE LAW IMMEDIATELY WITHOUT FURTHER ACTION BY
16 THE GOVERNOR.

17 (3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED BY THE
18 GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE VETO
19 UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL BE VOID.

20 (4) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW
21 IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.

22 (G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE
23 GENERAL ASSEMBLY MAY CONVENE IN EXTRAORDINARY SESSION WITHIN 30 DAYS
24 AFTER THE DATE OF THE VETO TO CONSIDER WHETHER TO OVERRIDE THE VETO. IF
25 THE GENERAL ASSEMBLY WISHES TO CONSIDER WHETHER TO OVERRIDE THE
26 GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE PRESIDENT OF THE
27 SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY SHALL ISSUE A
28 PROCLAMATION SPECIFYING THE DATE ON WHICH TO CONVENE IN EXTRAORDINARY
29 SESSION.

30 (2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER THIS
31 SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE THE GOVERNOR'S
32 VETO OF AN ITEM IN THE BUDGET BILL. IN SUCH SESSION, THE GENERAL ASSEMBLY
33 MAY NOT CONSIDER THE OVERRIDE OF THE GOVERNOR'S VETO OF ANY OTHER BILL.

34 (3) (I) THE BUDGET BILL SHALL BE RETURNED BY THE GOVERNOR TO
35 THE HOUSE IN WHICH IT ORIGINATED, AND EACH VETOED ITEM SHALL BE
36 CONSIDERED INDIVIDUALLY.

37 (II) IF THREE-FIFTHS OF THE MEMBERS ELECTED TO THAT HOUSE
38 VOTE TO OVERRIDE THE VETO OF AN ITEM, IT SHALL BE SENT TO THE OTHER HOUSE
39 FOR CONSIDERATION.

1 (III) IF THREE-FIFTHS OF THE OTHER HOUSE VOTE TO OVERRIDE
2 THE VETO OF THE ITEM, THAT ITEM SHALL REVERT TO THE APPROPRIATION
3 ORIGINALLY PASSED BY THE GENERAL ASSEMBLY. THE APPROPRIATION AS
4 ORIGINALLY PASSED SHALL THEN BECOME LAW IMMEDIATELY, WITHOUT FURTHER
5 ACTION BY THE GOVERNOR OR THE GENERAL ASSEMBLY.

6 **Article III - Legislative Department**

7 14.

8 The General Assembly shall meet on the second Wednesday of January,
9 nineteen hundred and seventy-one, and on the same day in every year thereafter, and
10 at no other time, unless convened BY JOINT PROCLAMATION OF THE PRESIDENT OF
11 THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER SECTION
12 17(G) OF ARTICLE II OF THIS CONSTITUTION OR by Proclamation of the Governor. [A]
13 THE GOVERNOR SHALL ISSUE A Proclamation convening the General Assembly in
14 extraordinary session [must be issued by the Governor] if a majority of the members
15 elected to the Senate and a majority of the members elected to the House of Delegates
16 join in a petition to the Governor requesting that [he] THE GOVERNOR convene the
17 General Assembly in extraordinary session, and the Governor shall convene the
18 General Assembly on the date specified in the petition. This section does not affect the
19 Governor's power to convene the General Assembly in extraordinary session pursuant
20 to Section 16 of Article II of this Constitution.

21 52.

22 (6) The General Assembly shall not amend the Budget Bill so as to affect
23 either the obligations of the State under Section 34 of Article III of the Constitution,
24 or the provisions made by the laws of the State for the establishment and
25 maintenance of a system of public schools or the payment of any salaries required to
26 be paid by the State of Maryland by the Constitution [thereof; and the]. THE General
27 Assembly may amend the bill by increasing or diminishing [the] items therein
28 relating to the General Assembly, [and] by increasing or diminishing [the] items
29 therein relating to the judiciary, [but except as hereinbefore specified, may not alter
30 the said bill except to strike out or reduce items therein, provided, however, that the]
31 AND BY INCREASING, DIMINISHING, OR ADDING ITEMS RELATING TO THE
32 EXECUTIVE DEPARTMENT AS LONG AS THE TOTAL OF THE APPROPRIATION FOR THE
33 EXECUTIVE DEPARTMENT APPROVED BY THE GENERAL ASSEMBLY DOES NOT
34 EXCEED THE TOTAL ALLOWANCE FOR THE EXECUTIVE DEPARTMENT SUBMITTED BY
35 THE GOVERNOR. THE salary or compensation of any public officer [shall] MAY not be
36 decreased during his term of office[; and such bill, when and as passed by both
37 Houses, shall be a law immediately without further action by the Governor]. WHEN
38 PASSED BY BOTH HOUSES, THE BILL SHALL BE PRESENTED TO THE GOVERNOR FOR
39 APPROVAL OR DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF THE
40 CONSTITUTION.

41 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
42 determines that the amendment to the Maryland Constitution proposed by this Act
43 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the

1 Maryland Constitution concerning local approval of constitutional amendments do
2 not apply.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
4 proposed as an amendment to the Maryland Constitution shall be submitted to the
5 legal and qualified voters of this State at the next general election to be held in
6 November, 2004 for their adoption or rejection in pursuance of directions contained in
7 Article XIV of the Maryland Constitution. At that general election, the vote on this
8 proposed amendment to the Constitution shall be by ballot, and upon each ballot
9 there shall be printed the words "For the Constitutional Amendment" and "Against
10 the Constitutional Amendment," as now provided by law. Immediately after the
11 election, all returns shall be made to the Governor of the vote for and against the
12 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
13 further proceedings had in accordance with Article XIV.